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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,285	06/27/2003	Morito Morishima	P 051270 0304561	7881
7590	11/16/2004		EXAMINER	
Mr. Roger R. Wise			DINH, TAN X	
PILLSBURY MADISON & SUTRO LLP			ART UNIT	PAPER NUMBER
Suite 1200			2653	
725 South Figueroa Street			DATE MAILED: 11/16/2004	
Los Angeles, CA 90017				

Please find below and/or attached an Office communication concerning this application or proceeding.

9/3

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/609,285	MORISHIMA, MORITO
<b>Examiner</b>	<b>Art Unit</b>	
TAN X. DINH	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 3-6 is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

1) Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2) The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested.

**METHOD AND APPARATUS FOR CONTROLLING POWER DURING**

**RECORDING VISIBLE IMAGE IN OPTICAL STORAGE MEDIUM.**

3) The disclosure is objected to because of the following informalities: A lot of words have been miss-spelled in the *specification* ( for example, pages 1, the last line, page 2, lines 1-3, etc., ) and in the *claims* ( claim 2, line 3, claim 3, lines 4-6, etc., ). Applicant is required to review the specification and the claims and make any necessary corrections to cure this defective.

4) The drawings are objected to because figure 8, step S21, the words in the box were unclear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be

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removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures.

If the changes are not accepted by the Examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

6) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7) (e) the invention was described in:

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international

application designated the United States and was published under Article 21(2) of such treaty in the English language.

8) Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by CHRITZ, Jr et al ( 6,430,120 ).

CHRITZ, Jr et al discloses an optical disk recording apparatus as claimed in claim 1, comprising :

an optical pickup that irradiates a laser light onto an optical disc ( Fig.1, 14 ) ;

a servo device that performs focus servo for maintaining an approximately fixed distance between the optical disc and a lens of the optical pickup and outputs a signal showing whether the focus servo fails or not ( Fig.1, 16 and 20 ) ;

a position moving device that moves an irradiating position of the optical pickup on the optical disc ( Fig.1, 18 ) ;

a laser power controller that controls a laser power of the laser light in accordance with input data to be recorded ( Fig.1, controller 12 controls the operation of laser power on optical pick-up 14 ) ;

a detector that detects whether the focus servo fails or not in accordance with the signal output by the servo device ( figure 4 and column 6, line 57 to column 7, line 39. In this case when interrupts by vibration, power fails, etc., which make the focus servo fail ) ;

an obtaining device that obtains a standard position of the laser light from an irradiating position at the time of the failure of the focus servo when a failure of the focus servo is detected by the detecting device ( Fig.4, 58. In this case, when an interrupt happens, the position of the optical pick-up at that interrupt is stored in memory 42. See column 7, lines 5-39 ); and a controller that controls the laser power controller to pause the control of the laser power in accordance with the data to be recorded and thereafter controls the position moving device and the laser power controller to restart the control of the laser power in accordance with the data to be recorded from the standard position as a restarting position ( Fig.1, 12. See also figure 5 and column 7, line 40 to column 9, line 38 ).

9) Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by De BIE ( 5,831,946 ).

De BIE discloses an optical pickup that irradiates a laser light onto an optical disc ( Fig.2, 206 );

a servo device that performs focus servo for maintaining an approximately fixed distance between the optical disc and a lens of the optical pickup and outputs a signal showing whether the focus servo fails or not ( Fig.2, 212 );

a position moving device that moves an irradiating position of the optical pickup on the optical disc ( Fig.2, 212 );

a laser power controller that controls a laser power of the

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laser light in accordance with input data to be recorded ( the processor 208 controls the operation of laser power of optical head 206 );

a detector that detects whether the focus servo fails or not in accordance with the signal output by the servo device ( Fig.2, 222. See also column 4, line 63 to column 5, line 20 );

an obtaining device that obtains a standard position of the laser light from an irradiating position at the time of the failure of the focus servo when a failure of the focus servo is detected by the detecting device ( Fig.2, position memory 214. In this case, when an interrupt happens, the servo is failed or at OFF condition, the position of the optical pick-up 206 is stored in memory 214 ); and

a controller that controls the laser power controller to pause the control of the laser power in accordance with the data to be recorded and thereafter controls the position moving device and the laser power controller to restart the control of the laser power in accordance with the data to be recorded from a position shifted by a predetermined moving amount from the standard position as a restarting position ( column 1, line 30 to column 2, line 37. In this case, after restart the operation of the disk, the processor controls the power level of the optical head 206 and thereafter controls the optical pick-up 206 to reproduce information from a position shifted from the position stored at interrupt time in position memory 214 ).

10) Claims 3-6 are allowed after applicant corrects the miss-spelling as indicated above.

11) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure ( See form PTO-892 attached herein ).

Applicant is reminded that in amending in response to a rejection of claims ( if the rejection involves with any applicable arts ), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR §1.111(c).

12) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN X. DINH whose telephone number is (703) 308-4859. The examiner can normally be reached on Monday - Friday, 8:00AM - 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



TAN DINH  
PRIMARY EXAMINER

November 12, 2004